

ZONING AND PLANNING BOARD MEETING MINUTES

June 20, 2024, Zoning & Planning Board meeting was called to order at 7:00PM at City Hall at 206 Main Street, Three Forks, MT 59752.

Chairman George Chancellor, Members Niki Griffis, Kelly Smith, Racheal Tollison and Amy Laban; City Planner Randy Carpenter were present at City Hall. Matt Jones attended via Zoom. (Zoom is a virtual meeting tool allowing people to attend remotely, which started as an option during the COVID-19 pandemic and the City has continued to offer for meetings.) There was a quorum with the attendance of five members, and the meeting was held. The minutes were completed by City Clerk Crystal Turner after the meeting.

Public Present: Mike Stenberg and Kevin Cook were present at City Hall. City Attorney Susan Swimley, Andy Willet (attorney for Kevin Cook), and City Contracted Consultant Lee Nellis attended via Zoom.

Chairman Chancellor reminded everyone the meeting was being recorded.

PUBLIC COMMENT (items not on the agenda): There were no public comments on items not on the agenda.

CONSENT AGENDA

Minutes from the meeting held on 5/16/2024

Kelly Smith apologized for not getting the minutes out earlier, so this will be postponed until the next meeting. Niki Griffis moved to table this agenda item. George Chancellor seconded the motion.

Motion Passed Unanimously.

NEW BUSINESS

Discussion Regarding Zoning & Planning Board Meeting More Than Once per Month

Randy Carpenter stated that when the Board rolls into updating the Zoning Code there may be times that would request more than the regular monthly meeting, just to discuss the draft Zoning Code. George recommended it be limited to two meetings per month. Amy Laban asked what the minimum notice requirement was, Kelly Smith answered minimum is 48-hours, but we would like to provide more notice to the public in the event they want to participate. Niki Griffis said she could not promise she will be able to attend them all but will try to. Amy agreed that as long as we have a quorum, we can meet every couple of week as required to work on the Zoning Code.

PUBLIC HEARINGS

There were no public hearings.

OLD BUSINESS

Feedback on the Zoning Board's Tour of Bozeman Subdivision on June 6, 2024

George Chancellor said he liked it, "It was very enlightening. I saw what I didn't want [for Three Forks] and I saw what would be OK." Rachel Tollison said she did not like the narrow roads. Amy Laban agreed. George said he didn't like the 12 cabins on one lot, Amy, Niki, Kelly and Rachel agreed (Blackwood Meadows). It was too dense and confusing. Matt Jones like first two neighborhoods toured, the second one was better in his

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opinion, was better than the first one. "I don't remember the name, but the one on the southside that was really small I did not like. I liked the alley-loaded subdivisions. I did not like the Baxter Meadows, it's too cramped for my style." There was discussion about Gran Cielo Townhouses (one with bridge/ large central park) and most of the board disliked this style of development too. Amy said, "In general, I like how they put walking paths and little micro parks rather than having people walking on the streets or alleys (Woodlyn Park & Falcon Hollow)." Niki added, "I also did not like the towering apartment buildings either." George said some developments (Baxter Meadows) had just ugly parking (too much on the street) that we do not want to have in Three Forks.

Randy Carpenter offered to do another tour in August or September at different developments. The Board would like him to schedule that. Niki said she believed the board needed to have more discussion on alleys or not having alleys and witnessing some good examples of both. Kelly agreed, in the growth policy it mentions continuing the City with the same grid like pattern, with alleys. George said he would like to see lower density than the cottages they toured. Randy will find some multi-family examples and focus on a wider variety of multi-family (apartment buildings, slightly larger townhome or condo style).

Lee Nellis Regarding Zoning Code Approaches

Randy Carpenter said that Lee Nellis has extensive experience designing and writing zoning codes and subdivision regulations. "He has seen it all and one various parts of these codes all over the country. He had written something in the code with intentions of this or that happening and has the experience to see what worked and didn't work, so I invited him here tonight to have an initial discussion with the Board," Randy said.

Lee Nellis introduced himself and shared a slideshow on screen. "Some of you saw a version of this slide presentation back in March [for the Impact Fee 101 discussion with the City Council]. I have added to it since then. There are some interesting developments like what you saw in your tour. The most basic question the Planning Board and the City Council must answer is *How much change is desirable?* The Growth Policy addresses a lot of that but there are many unknowns remaining that [Zoning and Subdivision regulations] will need to get into deeper detail. Generally speaking in most communities, there are three types of areas for zoning rules: existing residential neighborhoods where the goal is to serve the character of the neighborhood. People need to ensure they can make reasonable investments in their homes. We want to support affordability and minimize nonconforming uses. Three Forks' code has the most stringent nonconforming use language I have ever seen, and it could be problematic." He explained to a story from Idaho about variance hearings. Kelly Smith interrupted and asked Lee to explain in more detail about requesting to build a larger structure on a 10,500SF lot. There was some misunderstanding between the nonconforming uses as Lee interpreted the City's existing Code and how it is actually administered. Randy Carpenter interjected to provide an example in hopes the Board would better understand: "If you had a nonconforming structure that could be steps encroaching into the front-yard setback and you want to build a porch around those steps. Technically that increases the nonconformity, so one would have to apply for a variance. That would be an example of something that does not meet zoning requirements but may not be that big of a deal. So the language in the Code could be cleaned up for sure. That is what Lee is talking about when he says *people making reasonable investments*," Randy concluded.

Lee continued with the Commercial side, and noted that there has been a lot of residential opportunities on top of the commercial. There are also new neighborhoods, like what the Board will discuss later tonight, that

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have residential, commercial, mixed uses. “So, we need to integrate the way the City will deal with all that,” Lee said. He asked the Board if there is any other neighborhood or themes as the Board sees it, that they may need to address? How many different situations, or levels of change, will the City’s codes need to make it work best for Three Forks?

Niki asked for an example of a nonconforming use? Lee said in most cases it would be a parcel of land that is too small to build under the current zoning regulations. “It could also be used, like an auto repair shop in existence where it is not allowed now and it is a successful business and wants to enlarge. However, they could not do that, could not expand the business, or the parking area for example. We want to allow them to do that. These types of noncompliance issues could cause neighborhoods to decline,” Lee explained.

Zoning and Subdivision, particularly in states like Montana who have a complicated state subdivision law, tend to be treated differently. We have found that a community needs to maintain consistency and there are benefits to including subdivisions by consolidating definitions. “Right now, if anyone comes to you with a subdivision of any extent, they will have to show you how they intend to manage stormwater. Let’s say I’m not subdividing; I’m going to put in a large Walgreen’s. But I will have to manage that stormwater onsite, so we need to ensure we have the regulations that deal with that,” he said. The basic tool for organizing land use regulations are checklists. They can easily and comprehensively allow you to decide if the application is complete. Accepting incomplete applications is the single most reason things get missed or not done per your regulations.

Lee said, “Everything important in planning starts informally, and then gets formalized. Design Standards, development standards, a lot of thought about what the community wants – these tours are great for that. But there is also an incredibly amount of boring work to get that into a regulation. The goal will be to make it easy for staff to administer, but we want it to be defensible as well.” He provided recommendations on designing around the list of questions the City gets on a regular basis on how it regulates land use. “So, this is good Planning Board homework to write down those questions you hear most frequently,” Lee directed. Randy Carpenter asked Lee to tell the story about informal work sessions and public hearings. Lee recanted a story from the late 1980s when he worked for Fremont County, ID, which had a bitterly contested election and dissolved their Planning Board. There were many issues like neighbor’s septic tanks being on the wrong property which ended up taking four years to finalize a code that a won awards, but also got appealed due to litigations – but they held over 60 public hearings to get the public involved. Keeping the draft work done at the Planning Board level, with the public’s input, and getting as much information to make the best draft possible before the actual final public hearings to adopt the plan.

Lee moved on to what new regulations would look like (page 15 of his presentation) that would start by covering access management, parking and loading, onsite infrastructure and maintenance thereof, accessory uses, temporary uses and structures, land use compatibility, potential hazards and nuisances. Other considerations for the Zoning Regulations (which would apply to all districts) are: density, residential improvements, telecommunications, architectural design, landscaping, street trees, outdoor lighting, signs, and watershed health (stormwater management). Lee then outlined updating the Zoning District Map, which would include the potential growth areas outlined in the Growth Policy’s Future Land Use Map.

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Randy asked what the best way would be for committee structure – like Committee beyond the Planning Board that has public on it, or keep it with the Planning Board? Lee said he has seen it done all ways, and no one way is better than another. You want public input as much as possible, will be up to the Planning Board and you could even split it up into areas like the “downtown” area and the “residential” area. You could even break it up as a schedule and only discuss each area at each meeting, comprised of just the Planning Board and inviting the public. All these ways could work and it will be up to the Planning Board to have the conversations they need to have with the public. Randy thought the businesses would want to provide input on what will be changing, so we need to think about how to engage them in these meetings. “We struggled a little with getting input on the Growth Policy, but we did that during a pandemic,” Randy said. Amy said she thinks Three Forks always struggles with public input, rather than public outreach.

Lee Nellis encouraged the Board to do more tours as well so that they can help guide the draft with what they would like to see or not see for the Zoning in Three Forks, this includes walking tours of parking to help with parking requirements and regulations. Amy Laban said she was thinking to break down the Zoning rewrite into little meetings. “Rather than a *We’re going to talk about rewriting the zoning code*, because that sounds boring and daunting, we could offer 30-minute sessions of for instance *tonight we are going to talk about parking* and another night would be another topic.” Randy and Lee liked that because there will be public who do not care about some topics but may be very important on another topic. Amy said she also likes the public engagement, outreach meetings to be shorter in length than having a 3-hour meeting. “I think it will help with the public participation,” she said. Randy agreed and said a tour of the Senior Center for instance would be a good tour so that the public can see access, parking, use, etc. Lee suggested other outreach like a county fair, or other events in the community. (Lee Nellis left the meeting.)

Mike Stenberg Regarding the “Kyd Road” Development and Zoning

Randy Carpenter said he invited Mike Stenberg tonight to talk about what is being referred to as the Kyd Road Development. He said the Board is not reviewing a plat, nor discussing specifics of design, but to get their ideas to the Board so they can think about that as the Board rewrites its zoning code. Mike Stenberg said he has had numerous conversations with staff and reinstating the Residential-Medium (RM) district. “We will still have a lot of issues due to topography of this site, and we also have discussed doing a PUD but thought that would be too cumbersome to review. So Randy and Lee came up with the idea of doing neighborhood by neighborhood zoning that will better fit the area,” Mike said. He distributed something to the Board, not a layout but a conceptual design that also showed topography. He said they are looking at creating a Kyd Road zoning district only for the north side of Kyd Road. Niki Griffis asked if this would be Phase 1 then? Mike said yes, in zoning and probably through development as well. “By writing our own zoning district this would only be affected to this area, no other area of the city,” Mike added. Amy Laban asked if this was roughly 25% of the total developable area. The answer was yes. Randy Carpenter asked if there was any intent to do rentals, like apartment buildings. Kevin Cook said the struggle with the flat area is that groundwater is three feet deep, it’s extremely flat and you can’t get anything in a stormwater pipe because it’ll be in water. George Chancellor asked if these would be floating foundations. Kevin Cook answered they would be slab on grade. Susan Swimley, City Attorney, spoke up that the Board is not talking about a site plan nor construction – we are talking about a concept for how the City will be changing Zoning for the entire City of Three Forks. I would caution all to be very aware that this is not an application, this is not a layout. You are talking about from a standpoint of how we will change Zoning, please shift your focus on how we would change zoning and how the City would move forward with that. Mike Stenberg said there would be some duplex and fourplex style

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lots, some townhouse lots, but something that will not have to be each lot owner will have to request a conditional use permit. Randy Carpenter asked if the Board had any questions for the development team, heeding Susan's advice. Niki Griffis clarified that the City would be allowed to do neighborhood zoning specific to this area, and not the rest of town? Randy said yes, but if the board wished to make it apply to all other areas zoned that way too – or not. Randy spoke on the challenges of getting public input and then outlined the process to come up with a draft. There was a lot of discussion regarding how to recommend the best process for a full rewrite or smaller chunks for separate districts, like a Kyd Road district for instance. Susan apologized for being the “wet blanket” but her intentions are to limit liability for the City. No decisions were made on this topic and the Zoning rewrite proposals will be reviewed and recommended for award at the next Council meeting.

Amy Laban moved to adjourn. George Chancellor seconded the motion.

Motion Passed Unanimously and the meeting adjourned at 8:41PM.